

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

STATE OF MARYLAND

v.

DAVID WARREN,

Defendant

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Case No. JKB-22-439

OMNIBUS MOTION TO SUPPRESS STATEMENTS

Defendant David Warren (“Mr. Warren”), by and through his counsel, John M. McKenna, Michael E. Lawlor, Adam C. Demetriou, and Brennan, McKenna & Lawlor, Chtd., respectfully moves pursuant to Federal Rule of Criminal Procedure 12(b)(3) to suppress any and all statements of Mr. Warren obtained by members of law enforcement and their agents in violation of the United States Constitution. In support of this Motion, counsel state as follows:

1. On December 15, 2022, the Government filed a one-count Indictment charging Mr. Warren and five others with racketeering conspiracy, in violation of 18 U.S.C. § 1962(d). (Indictment, ECF No. 1.) The Indictment alleges that beginning in or about 2014 and continuing until on or about the date of the Indictment, Mr. Warren conspired with others to conduct and participate in the affairs of the Black Guerilla Family (“BGF”). The Indictment alleges 48 overt acts in furtherance of the charged conspiracy.

2. The voluminous materials provided by the Government in discovery indicate that throughout the investigation of this case, members of law enforcement and their agents obtained several statements from Mr. Warren. Those statements include, but are not limited to, the following: (1) statements made on the scene of a warrantless arrest on May 31, 2016; (2) statements made to Detective Bomenka and others at a police station following the May 31, 2016 warrantless arrest; (3) statements made on the scene of a warrantless arrest on May 2, 2018; (4) statements made to former Detective Lloyd and others following the May 2, 2018 arrest; (5) statements made to Detective O'Shea of the Baltimore County Police Department and other members of law enforcement on July 23, 2018; (6) statements made at the scene of a warrantless arrest on August 16, 2018; (7) statements made at a police station following the August 16, 2018 arrest; (8) statements made to members of the Baltimore County Police Department on September 6, 2018; (9) statements made to TFOs DeLorenzo, Landsman, and Neptune on January 29, 2020.¹

3. Mr. Warren requests full discovery as to any and all statements allegedly made by him to members of law enforcement and their agents, including but not limited to: (1) copies of any waiver of rights forms allegedly executed by Mr. Warren; (2) any and all body worn camera footage capturing the alleged

¹ Mr. Warren intends to move to suppress any and all statements allegedly made by him to members of law enforcement and their agents. Mr. Warren requests that the Government identify all such statements it may seek to introduce at trial.

statements; (3) any other audio and video recordings capturing any alleged statements.

4. Any statements, admissions, or confessions made during any encounter with law enforcement were obtained in violation of Mr. Warren's privilege against self-incrimination and his right to counsel, as guaranteed by the Fifth and Sixth Amendments to the United States Constitution. Further, any statements, admissions, or confessions made during any of these encounters were obtained in violation of Mr. Warren's rights as defined by the Supreme Court's holding in *Miranda v. Arizona*, 384 U.S. 436 (1965) and its progeny, and any waiver of those rights was not knowingly, intelligently, or voluntarily made. Any such statements, admissions, or confessions made during any encounter with law enforcement were involuntary.

5. Mr. Warren is entitled to a hearing on the voluntariness of any statements, admissions or confessions attributed to him, in accordance with the provisions of 18 U.S.C. § 3501 and the principles set forth in *United States v. Inman*, 352 F.2d 954 (4th Cir. 1965).

6. As a result of the constitutional violations alleged in this motion and any other ground that may become apparent upon a hearing on the motion, Mr. Warren requests that the Court enter an order suppressing all statements, admissions, or confessions the Government proposes to use as evidence against him, whether oral, written, or otherwise recorded.

7. Mr. Warren respectfully requests a hearing on this Motion.

Respectfully submitted,

s/_____

John M. McKenna

Michael E. Lawlor

Adam C. Demetriou

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 14, 2023, a copy of the foregoing
was sent to the United States Attorney's Office for the District of Maryland via ECF.

_____/s/_____
John M. McKenna